

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff,

v.

JOSEAN DOMENECH-ROBLES
Defendant.

CRIMINAL NO. 17-498 (JAG)

MOTION IN LIMINE

The Defendant, Josean Domenech-Robles (hereinafter “Mr. Domenech-Robles”), represented by the Federal Public Defender for the District of Puerto Rico, moves the Court to issue an order granting this motion *in limine* to exclude from trial the following:

That the Court accept the parties’ Stipulation of Prior Conviction, and not allow any other details of Mr. Domenech-Robles’ prior convictions to be presented to the jury.

In a felon in possession of a firearm prosecution, the government is required to prove that— prior to the current offense—the defendant had been convicted of a crime punishable by a term of imprisonment exceeding one year.

In the present case, Mr. Domenech-Robles was convicted of a crime punishable by a term of imprisonment exceeding one year on June 16, 2008. Accordingly, he is willing to stipulate to the fact that on the date of the current offense— August 11, 2017— he was a convicted felon. No further evidence would be necessary, and the jury may accept the Stipulation as a proven fact.

Accordingly, and pursuant to *Old Chief v. United States*, 519 U.S. 172 (1997), the defense respectfully requests the Court accept the Stipulation of Prior Conviction, and issue an order *in limine* instructing the United States to not make any reference in front of the jury to the facts, details, and circumstances of Mr. Domenech-Robles’ prior arrests and convictions.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the above and that an Order *in limine* be granted to exclude the items listed herein. By granting this motion, the government is not deprived of evidence to prove its case against Mr. Domenech-Robles.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, July 17, 2018.

ERIC A. VOS, ESQ.
Federal Public Defender
District of Puerto Rico

S/JUAN J. MICHELEN
Juan J. Michelen,
Assistant Federal Public Defender,
USDC-PR G02601
241 F.D. Roosevelt Avenue
San Juan, PR 00918-2305
Phone No. (787) 281-4922
Juan_Michelen@fd.org